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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,064

03/01/2002

Masanori Katayanagi

000449.00011

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07/28/2006

BANNER & WITCOFF  
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WASHINGTON, DC 20001

EXAMINER

NGUYEN, THUAN T

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/085,064	<b>Applicant(s)</b> KATAYANAGI, MASANORI	
	<b>Examiner</b> THUAN T. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-34 and 37-39 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-30, 37-39 is/are allowed.
- 6) ☒ Claim(s) 31-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Remark***

1. Claims 5, and 35-36 have been previously canceled, and new claim 39 has been added.

Pending claims are claims 1-4, 6-34, and 37-39 for reconsideration.

### ***Allowable Subject Matter***

2. Claims 1-4, 6-30, and 37-39 have been allowed.

3. The following is a statement of reasons for the indication of allowable subject matter:

The prior arts of record to Segal, Bork and Perry do not teach or suggest either alone or combine a communication apparatus with two detectors, wherein a first detector for detecting an operation to at least partially separate the first portion from the second portion of the communication apparatus; and a missed event occurs after the detection of the first opening or partially separate the first portion from the second portion as indicated earlier, a controller is configured to detect the first detection and activate a vibrator for responsive to the missed event right after the first mentioned operation as cited in claims 1, 7, and similarly with method claims and controller claims in claims 13, 18, 23, and 27.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

5. Claims 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Segal (U.S. Patent Pub 2001/0000505 A1).

Regarding claim 31, Segal discloses “a communication apparatus comprising: a first portion; a second portion coupled to the first portion; and a controller configured to audible notify a user of a missed event responsive to the first and second portions being opened”, i.e., a flip cell phone comprising a first portion and a second portion (Figs. 6-7) including a detecting means for operation as the user opens or separate the first portion and the second portion, and with an inside paging circuitry for detecting a missed event of the apparatus, i.e., a missed call or unanswered call, an alert or notification is provided to the user either in audible or vibrating according to the setting up from the user for the controller of the apparatus as the user opens the device (page 9, sections 0116 to 0118 and page 15, sections 0182 to 0184).

As for claim 32-33, in further view of claim 31, Segal further discloses “including a hinge coupled to the first and second portions are configured to open by unfolding at the

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hinge” as well as open by sliding (Figs. 6-7, and page 9/section 0118 since it suggests of flipping and pulling open).

As for claim 34, Segal suggests “wherein the missed event is a missed call”, i.e., a missed call occurs as the caller is busy or an unread message occurs as the caller does not expect the call and does not activate the flip phone, or the caller does not activate an alert message or voice messages to him (page 15/sections 0179 to 0187).

***Conclusion***

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2618.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN  
PATENT EXAMINER, FSA

Tony T. Nguyen  
Art Unit 2618  
July 17, 2006